

## Fair Housing Act (Title VIII)

Investigates, conciliates, and charges cases of housing discrimination prohibited under the Fair Housing Act of 1968 (Title VIII).

**Nature of Program:** The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, national origin, disability, or familial status (includes individuals or families with children under 18 years of age and pregnant women). The Fair Housing Act does not specifically include sexual orientation and gender identity as prohibited bases. However, a lesbian, gay, bisexual, or transgender (LGBT) person's experience with sexual orientation or gender identity housing discrimination may still be covered by the Fair Housing Act. In addition, housing providers that receive HUD funding, have loans insured by the Federal Housing Administration (FHA), as well as lenders insured by FHA, may be subject to HUD program regulations intended to ensure equal access of LGBT persons. The Fair Housing Act applies to almost all housing in the country.

The Fair Housing Act prohibits discrimination in residential real estate transactions and makes it illegal to coerce, intimidate, threaten, or interfere with people exercising their rights under the Act or assisting others in exercising their rights.

To comply with the Fair Housing Act, a seller, landlord, lender, insurance agent, realtor, etc. may not:

- Deny housing, offer different terms and conditions to an applicant, or refuse to rent, sell, or negotiate with an applicant because of one or more of the prohibited bases cited above;
- Use discriminatory advertising or make discriminatory statements in connection with housing;
- Falsely deny that housing is available;
- Deny access to or membership in a multiple-listing service or real estate broker's organization; or
- Discriminate in making loans for, or secured by, residential real estate.

In addition, landlords, condominium boards, homeowner associations, or other entities that exercise control over individual residences or common spaces within a development may not:

- Refuse permission for residents with disabilities or their families to make reasonable modifications to housing, at their own expense, if the changes are necessary for a resident to fully enjoy his or her premises. However, in some instances, the resident may be required to restore the property to its original condition before moving out;
- Refuse to make reasonable accommodations in rules, policies, practices, and services to provide equal opportunity to residents with disabilities to use and enjoy their homes, so long as it does not interfere with the rights of others to use and enjoy their homes.

The Fair Housing Act also prohibits the adoption and enforcement of discriminatory zoning and land use ordinances.

Familial status protections do not apply to certain housing for older people. Such housing is exempt under the law if it is intended for, and solely occupied by, residents 62 years of age or older, or if 80 percent of the units are occupied by at least one person 55 years of age or older, and the housing facility or community publishes and adheres to policies and procedures that demonstrate this intent to be housing for older persons.

Since March 13, 1991, most multifamily dwellings of four or more units have been required to be designed and built so that the units are accessible to people with disabilities.

In addition to nondiscrimination, the Fair Housing Act also provides that HUD must administer all of its programs and activities in a manner that affirmatively furthers the policies of the Act. Many recipients of HUD funding are required to affirmatively further fair housing. This process includes conducting an analysis of impediments to fair housing choice, taking action to overcome such impediments, and keeping detailed records of corrective action.

Anyone who believes that he or she has been discriminated against can file a complaint with any HUD office in person, by mail, on the Internet, or by telephone within one year after the alleged discrimination has occurred. HUD or an equivalent state or local agency will investigate and attempt to conciliate the complaint. If it is not conciliated and it appears that discrimination has occurred, then HUD will issue a charge. A HUD administrative law judge (ALJ) will hold a hearing unless either party chooses to take a case to federal district court.

If proceeding before a HUD ALJ, the complainant may receive access to the housing that was denied and may be awarded compensatory damages and attorneys' fees as well. In such cases, the discriminating party may also be assessed a civil penalty of up to \$16,000 for a first offense. If a federal district court hears the case, the complainant may be awarded actual and punitive damages as well as attorney's fees.

When HUD finds that a complaint has merit and requires prompt court action, as when an eviction is threatened or when a unit is about to be sold or rented to another person, HUD may direct the Department of Justice to file an action holding the unit off the market until the matter is resolved.

**Applicant Eligibility:** Any individual experiencing housing discrimination may file a complaint with any HUD office, in person, by mail, or by telephone, not later than one year after the alleged discriminatory act has occurred or terminated. An aggrieved person may also file suit in a federal court whether or not a complaint has been filed with HUD.

HUD has established a national toll-free housing discrimination hotline at: (800) 669-9777 (voice) or (800) 927-9275 (TTY).

**Legal Authority:** Fair Housing Act of 1968, as amended (42 U.S.C. 3601 et seq.). Regulations are at 24 CFR parts 100 and 103.

**Administering Office:** Assistant Secretary for Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Washington, DC 20410.

**Information Sources:** Administering office; Office of Enforcement, Enforcement Support Division.

On the Web: [www.hud.gov/offices/fheo/progdesc/title8.cfm](http://www.hud.gov/offices/fheo/progdesc/title8.cfm)

**Current Status:** Active.